

REMARKS/ARGUMENTS

Claims 1-16 are pending in the present application. Claims 1-16 have been rejected. Claims 4, 9, and 12 have been canceled and their features have been incorporated into claims 1, 7, and 10, respectively. The dependency of claim 5 has been amended. Accordingly, the amendments to claims 1, 5, 7, and 10 should be entered. No new matter has been added.

Claims 1, 3, 4 and 6-16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Buell (U.S. Patent No. 5,768,079). As noted above, claims 4, 9, and 12 have been canceled, thereby obviating the rejections of these claims. It is respectfully submitted that claims 1, 3, and 6-8, 10, 11, and 13-16 are allowable over the art of record for the reasons set forth below.

Independent claims 1, 7, and 10 have been amended to include the features of claims 4, 9, and 12, respectively. These claims include the features of, as represented by claim 1, determining which of the three phases have an associated fault and using a countdown timer associated with each phase. In particular, after detecting a fault in at least one of the three phases, a separate countdown timer associated with each faulted phase is started. Then it is determined which faults are still present after one of the countdown timers has expired. See Figure 2 in the application, as originally filed, and its corresponding description at page 8, line 22 – page 9, line 14.

Buell fails to disclose such features. Buell merely describes a single countdown timer for use with all faulted phases (column 5, lines 19-34). Because Buell only uses one countdown timer for all faulted phases, Buell's monitoring is less precise and loads will experience longer power interruptions than if separate countdown timers were used.

Based on the foregoing, claims 1, 7, and 10, and all claims dependent therefrom, including claims 3, 6, 8, and 11, and 13-16, should not be rejected as being anticipated by Buell. Therefore, withdrawal of the rejection of claims 1, 3, and 6-8, 10, 11, and 13-16 under 35 U.S.C. § 102(b) is respectfully requested.

Claims 2 and 5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Buell in view of Krotski (U.S. Patent No. 3,558,985). It is respectfully submitted that claims 2 and 5 are allowable over the art of record for the reasons set forth below.

DOCKET NO.: ABMS-0116/B000300
Application No.: 09/810,352
Office Action Dated: September 24, 2003

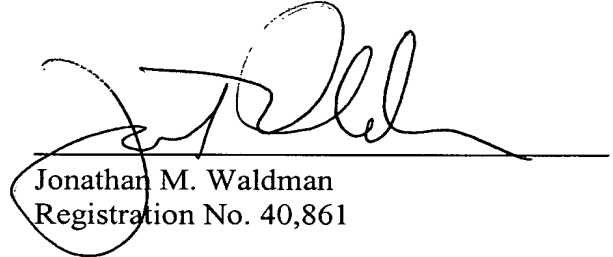
**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

Claims 2 and 5 are dependent on claim 1, and include the features described above with respect to claim 1. Therefore, claims 2 and 5 are patentable for the reasons set forth above. Kroiski fails to cure the deficiencies of Buell. Kroiski merely describes a recloser and an overcurrent sensor for detecting when a predetermined overcurrent is detected in one or more of three phases. However, Kroiski does not start a separate countdown timer associated with each faulted phase after detecting a fault in at least one of the three phases, as required by the present invention.

Based on the foregoing, claims 2 and 5 should not be rejected as being unpatentable in view of Buell and Kroiski, taken alone or in combination. Therefore, withdrawal of the rejections of claims 2 and 5 under 35 U.S.C. § 103(a) is respectfully requested.

In view of the foregoing amendments and remarks, Applicants submit that the above-identified application is in condition for allowance. Early notification to this effect is respectfully requested.

Date: November 10, 2003



Jonathan M. Waldman
Registration No. 40,861

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439